



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Donald C. Brey, Esq.
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65 East State Street, Suite 1000
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MAR 13 2015

RE: MUR 6494
Phillip Greenburg

Dear Mr. Brey:

Enclosed please find the Factual and Legal Analysis, which more fully explains the Commission's decision in this matter. This document will be placed on the public record as part of the file in MUR 6494 when that matter is closed as to all respondents. The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109 (a)(12)(A) (formerly 2 U.S.C. § 437g(a)(12)(A)) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions please contact me at (202) 694-1650.

Sincerely,

William A. Powers
Assistant General Counsel

Enclosure
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENT:** Phillip Greenburg MUR 6494

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5 **I. GENERATION OF MATTER**

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7 This matter was generated by a Complaint filed with the Federal Election Commission
8 (the "Commission"). See 52 U.S.C. § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)).¹

9 **II. FACTUAL AND LEGAL ANALYSIS**

10 Complainant alleges that Phillip Greenburg, Treasurer to Representative Jeannette
11 Schmidt's principal campaign committee, the Schmidt for Congress Committee (the
12 "Committee"), violated 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) in his personal
13 capacity when the Committee failed to disclose to the Commission payments by the Turkish
14 Coalition of America through the Turkish American Legal Defense Fund ("TALDF") for legal
15 services provided to Representative Schmidt and the Committee. A joint response filed by
16 Greenburg, among others, argues that the Committee was not a party to the four legal
17 proceedings, and that the legal services that TALDF provided were not "in connection with" an
18 election and not "for the purposes of influencing" an election.²

19 All political committees are required to file reports of their receipts and disbursements.³
20 These reports must itemize all contributions received from contributors that aggregate in excess
21 of \$200 per election cycle.⁴ Any in-kind contribution must also be reported as an expenditure on

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Greenburg Resp. at 3-4, 6-7 (Nov. 2, 2011).

³ 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)).

⁴ *Id.* § 30104(b) (formerly 434(b)); 11 C.F.R. § 104.3(a)(4).

1 the same report.⁵

2 Among its allegations, the Complaint alleges that Greenburg, the Committee's Treasurer,
3 violated the Act in his personal capacity because the Committee's reports did not include the
4 receipt of the prohibited in-kind contributions.⁶ There is no information to suggest that
5 Greenburg, in his personal capacity, violated the Act.⁷

6 Accordingly, the Commission finds no reason to believe that these individuals violated
7 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)).

⁵ 11 C.F.R. §§ 104.3(b), 104.13(a)(2).

⁶ Compl. at 15-16.

⁷ See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3 (Jan. 3, 2005).

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